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House Bill _____
By _____

Senate No. SB1133
By Cooper

AN ACT to amend Tennessee Code Annotated, Title 65, Chapter 3, Part 2, relative to the inspection and supervision of railroads.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 65-3-201, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) The amount of the fee prescribed by this section shall be assessed against the actual ton miles operated annually by each railroad in this state, but no fee shall be assessed against any ton miles operated in excess of the maximum assessable ton miles for each railroad. The maximum assessable ton miles shall be the total ton miles reported to the commission by each railroad in calendar year 1990, plus four percent (4%) of that base amount for each calendar year thereafter. The fee fixed and assessed against these ton miles to be paid by each railroad is two cents (2¢) per one thousand (1,000) ton miles. This fee is effective on payments made to the commission on or before June 30, 1995, based upon ton miles for the calendar year 1994, and in each year thereafter.

SECTION 2. Tennessee Code Annotated, Section 65-3-202, is amended by deleting such section in its entirety and by substituting instead the following:

Section 65-3-202. The inspection, control and supervision fees provided for in this part shall be collected by the public service commission. Such fees, when collected, shall be deposited in the state treasury but shall be kept in a separate account, to be known as the "railroad account" and the funds so raised shall thus be segregated on a fiscal year basis. Effective June 30, 1995, the balance in the railroad account is to reflect all fees collected or required to be collected as of June 30, 1994, based upon calendar year 1993. This balance should reflect any payments authorized by this chapter for fiscal year July 1, 1994, through June 19, 1995. On an annual basis, occurring no later than July 30 beginning with the year 1995, any remaining balance from the preceding fiscal year shall be refunded on a pro rata basis to the contributors to the railroad account.

SECTION 3. Tennessee Code Annotated, Section 65-3-205, is amended in the first sentence by deleting the words "conferred by law" and by substituting instead the words "conferred by this chapter".

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.